CWP No. 642 of 2005.

01.10.2007 Present: Mr. Ajay Sharma, Advocate for the petitioner.

Mr. Mr. M.S. Chandel, Advocate General with Mr. M.A. Khan and Ms. Meenakshi Sharma, Deputy Advocate Generals for respondents No.1 to 3.

The State of Himachal Pradesh had issued the Himachal Pradesh Specified Articles (Regulation of Distribution) Order, 2003 vide notification dated 28th November, 2003 (hereinafter referred to as the Order for brevity sake). Order 3 provides that to regulate the distribution of any specified article, the Controller with the approval of the Public Distribution Committee, may authorise any person or body of persons to be a wholesaler or fair price shop-holder in respect of such specified articles for the purpose of the Order.

In sequel to notification dated 28th November, 2003, the Director, Food, Civil Supplies & Consumer Affairs had constituted the District Level Public Distribution Committee for proper and efficient functioning of the Targetted Public Distribution System consisting of the following:-

"1.	Deputy Commissioner	Chairman
2.	Additional Deputy Commissioner/ Additional District Magistrate.	Member
3.	Chairman, Zila Parishad	Member
4.	Assistant Registrar Co-operative Societies	Member
5.	Area Manager, H.P. State Civil Supplies Corporation.	Member
6.	District Manager of the representative Of the Co-operative Bank.	Member
7.	District Manager, Food Corporation of India or his representative.	Member
8.	District Controller, Food, Civil Supplies & Consumer Affairs.	Member Secretary.

By order.

R.C. Kapil,
Director."

The fair price shop in question has been allotted to the respondent No.4 by the Committee which was chaired by the Additional Deputy Commissioner, Kangra on 3.5.2005 instead of the Deputy Commissioner, Kangra as notified on 20th May, 2004.

Consequently, the authorization letter issued in favour of respondent No.4, dated 21st May, 2005 is bad in law and is liable to be quashed and set aside.

Accordingly, the authorization letter dated 21st May, 2005, i.e. Annexure R-4 is quashed and set aside. The respondents No.1 to 3 are directed to initiate the fresh selection process strictly as per the norms laid down vide Himachal Pradesh Specified Articles (Regulation of Distribution) Order, 2003. The respondents No.1 to 3 will give due publicity while seeking applications for the allotment of fair price shop. The selection process will be completed by the respondents No.1 to 3 within a period of six weeks from today. The petitioner as well as the respondent No.4 are permitted to participate in the selection process. Till the selection process is finalised, the respondent No.4 is permitted to run the fair price shop and immediately after the completion of the process, he will cease to operate the fair price shop and it will be allotted to the person found suitable by the Committee constituted vide notification dated 20th May, 2004.

In view of the observations made hereinabove, the writ petition is disposed of with no order as to costs.

(Rajiv Sharma), Judge.

October 01, 2007
(sck)